

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA §
Plaintiff, §
§
§
V § **CRIMINAL NO. SA-10-CR-00051-FB**
§
§
LEANN BURNS (1) §
Defendant. §

**DEFENDANT'S MOTION FOR RECONSIDERATION OF BOND
AND APPEAL FROM MAGISTRATES ORDER OF DETENTION**

**TO THE HONORABLE FRED BIERY, CHIEF UNITED STATES JUDGE FOR THE
WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:**

Now comes Defendant, LEANN BURNS, by and through his undersigned counsel, and respectfully moves this Honorable Court to review Defendant's Order of Detention pursuant to and in accordance with 18 U.S.C. § 3145. As grounds therefore; the defendant asserts the following:

I.

18 U.S.C. § 3145(b) confers jurisdiction on this Honorable Court to review a detention order entered by a magistrate judge.

II.

LEANN BURNS was charged with Conspiracy to Distribute a Controlled Substance and Possession of Firearm in Furtherance of a Drug Trafficking Crime, in violation of 21 U.S.C § 846 §§ 841(a)(1) & 841(b)(1)(B)(viii), 18 U.S.C § 924(c)(1)(A)(i).

III.

Furthermore, LEANN BURNS entered a plea to Count One and Count Two of the Superseding Indictment, which charges her with Conspiracy to Distribute a Controlled Substance and Possession of Firearm by Drug Addict, in violation of 21 U.S.C § 846 §§ 841(a)(1) & 841(b)(1)(B)(viii), 18

U.S.C § 922(g)(3) and 924 (a)(2).

IV.

After an eloquent and lengthy allocation by Defendant, Leann Burns at sentencing, this Honorable Court indicated its willingness to grant bond and allow Defendant, Leann Burns the opportunity to self surrender. As the mother of a very young daughter Defendant, Leann Burns respectfully requests the opportunity to spend some time with same prior to her incarceration.

This Motion is made not for the purposes of delay, but that justice may be served.

WHEREFORE, PREMISES CONSIDERED, Defendant, LEANN BURNS, respectfully requests this Honorable Court after review of said Hearing Record to set a bond and/or such other relief as the Court may deem appropriate.

Respectfully submitted,

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/s/ Shawn C. Brown
SHAWN C. BROWN
STATE BAR NO: 24003613

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/s/ Neil A. Calfas
NEIL A. CALFAS
STATE BAR NO: 50511505

ATTORNEY FOR DEFENDANT
LEANN BURNS

CERTIFICATE OF SERVICE

We do hereby certify that a true and correct copy of the foregoing Motion for Reconsideration of Bond and Appeal from Magistrates Order of Detention was electronically filed with the Clerk of this Honorable Court using the CM/ECF system which will send notification electronically to DAVID SHEARER, Assistant United States Attorney.

SIGNED on this the 23rd day of June, 2011.

/s/ Shawn C. Brown
SHAWN C. BROWN

/s/ Neil A. Calfas
NEIL A. CALFAS

**IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA

Plaintiff,

V

LEANN BURNS (1)

Defendant.

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CRIMINAL NO. SA-10-CR-00051-FB

ORDER

On this date came on to be considered Defendant LEANN BURNS' Motion for Reconsideration of Bond and Appeal from Magistrates Order of Detention, and said Motion is hereby:

GRANTED DENIED

Signed on this the _____ day of _____, 2011.

UNITED STATES DISTRICT JUDGE